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**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

BRISTOL BAY ECONOMIC DEVELOPMENT
CORPORATION, *et al.*,

Plaintiffs,

v.

CHRIS HLADICK
U.S. Environmental Protection Agency, *et al.*,

Defendants.

Case No. 3:19-cv-00265-SLG

SALMONSTATE, *et al.*,

Plaintiffs,

v.

CHRIS HLADICK,
U.S. Environmental Protection Agency, *et al.*,

Case No. 3:19-cv-00267-SLG

Defendants.	
TROUT UNLIMITED,	Case No. 3:19-cv-00268-SLG
Plaintiff,	
v.	
U.S. ENVIRONMENTAL PROTECTION AGENCY, <i>et al.</i> ,	
Defendants.	

**DECLARATION OF BRIAN LITMANS IN SUPPORT OF PLAINTIFFS' JOINT
MOTIONS TO LIFT STAY UNDER MISCELLANEOUS GENERAL ORDER NO.
20-11 AND EXPEDITE CONSIDERATION OF PLAINTIFFS' MOTION TO LIFT
STAY UNDER MISCELLANEOUS GENERAL ORDER NO. 20-1**

I, Brian Litmans, declare as follows:

1. I am a Senior Staff Attorney at Trustees for Alaska, a nonprofit public interest law firm. I represent Plaintiffs SalmonState, Alaska Center, Alaska Community Action on Toxics, Alaska Wilderness League, Cook Inletkeeper, Defenders of Wildlife, Friends of McNeil River, McNeil River Alliance, National Parks Conservation Association, National Wildlife Federation, Sierra Club, and Wild Salmon Center in this case. I have personal knowledge of the facts stated in this declaration and, if called as a witness, I could and would competently testify to them.
2. On March 31, 2020, I contacted Lael Harrison, counsel for the State of Alaska to see if the State intended to file its brief on the 31st. *See* Exhibit A at 4. The State said that they did not plan on filing on the 31st but planned on filing by the end of

the week. *Id.*

3. In a follow-up conversation with the State, I proposed that the State respond by April 6, 2020, to keep the case on track in order to “provide the court with as much time as possible to review the briefing and potentially hold argument.” *Id.* at 3. In response, the State found that the April 6, 2020 deadline was agreeable. *Id.* at 2. In follow up emails regarding whether Plaintiffs still intended to seek argument, and whether they sought argument in April, I responded again that “[o]ur primary goal is to get the briefing completed so the court can, if it so chooses, review and consider the materials and not get delayed in that review.” *Id.*
4. On April 2, 2020, the State contacted me and notified me that they had to recant on the filing deadline and that they could not “commit to a date certain.” *Id.*
5. On April 2, 2020, in a follow up email, I asked if there was any date that the State could commit to. *Id.* at 1. The State responded on April 2, 2020, stating that the State “can’t agree that this cases deserves any special treatment in a crisis.” *Id.* The State did not commit to any date to file its brief.
6. On April 3, 2020, I attempted to contact Ms. Harrison to see if we could establish a schedule for response to Plaintiffs’ motion to lift the stay. On April 3, 2020, I also emailed Ms. Harrison regarding the State’s position on our motion to expedite consideration of the motion to lift the stay. On April 6, 2020, Ms. Harrison responded that the State maintains its position and does not call for expedited

consideration. Ms. Harrison indicated that she thought she could file a response to our motion to stay by Wednesday, April 8, 2020. *See* Exhibit B at 2.

7. On March 31, 2020, I contacted counsel for Defendants to see if EPA could confirm the Corps' permitting schedule. On April 1, 2020, I contacted counsel for Defendants to see if they took a position on a motion to lift the stay and a proposed schedule for the State to file its brief. On April 3, 2020, in response to my inquiry regarding the permit schedule, Defendants' counsel stated that they did not have any more information on the Corps' schedule for the EIS and ROD. Defendants stated that they take no position on the motion to lift the stay, the briefing schedule and oral argument; and defer to the Court's judgment on those issues. On April 3, 2020, I also emailed counsel for Defendants regarding their position on our motion to expedite consideration of the motion to lift the stay. On April 3, 2020, Defendants stated that they take no position on the motion to expedite consideration and defer to the Court's judgment on the issues presented there.

I certify, consistent with the requirements of Local Civil Rule 7.3(a), that I have made a good faith effort to resolve the issues raised in the above-captioned litigation with opposing counsel.

I declare under penalty of perjury that the foregoing is true and correct.

Litmans Decl. in Support of Pls.' Motions to Lift Stay
and Expedite Consideration

Bristol Bay Economic Development Corp. v. Hladick, Case No. 3:19-cv-00265-SLG

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Executed this 6th day of April, 2020, in Anchorage, Alaska.

s/ Brian Litmans
Brian Litmans (AK Bar No. 0111068)

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2020, I filed foregoing **DECLARATION OF BRIAN LITMANS IN SUPPORT OF PLAINTIFFS' MOTIONS TO LIFT STAY UNDER MISCELLANEOUS GENERAL ORDER NO. 20-11 AND EXPEDITE CONSIDERATION** using the Court's CM/ECF system, which serves copies on counsel of record.

/s/ Brian Litmans

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